



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/03/2023

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.4483 of 2023

1.Karthik
2.Malaisamy @ Rasu ... Petitioners/Accused No.2 & 3

Vs

State Rep.by
The Inspector of Police,
DevadanapattiPolice Station,
Theni District.
Crime No.29/2023. ... Respondent/Complainant

For Petitioners : M/s.K.Prabhu,
Advocate.
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

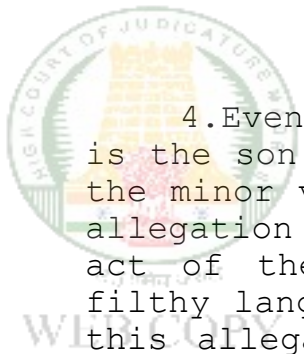
For Bail in Crime No.29/2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners /A2 and A3 who were arrested and remanded to judicial custody on 31.01.2023 for the offences under sections 366,294(B),324,506(ii) of IPC and sections 5(1), 6 of protection of Children from Sexual offences Act,2012 and section 67 B of Information Technology Act,2000 in Crime No.29 of 2023 on the file of the respondent police seek bail.

2.The case of the prosecution is that the first accused on the false promise of marrying the minor victim had sexual intercourse and when the same was questioned the petitioners herein abused the defacto complainant and also threatened with dire consequences, hence the case.

3.Heard both sides and perused the materials available on record including the First Information Report.



4. Even according to the case of prosecution the first accused is the son of the first petitioner herein who had fell in love with the minor victim girl and had physical relationship with her. The allegation against the petitioners is that when the questioned the act of the first accused the petitioners herein abused them in filthy language and also threatened with dire consequences. Except this allegation no other allegation has been levelled against the petitioners to attract the offences under the POCSO Act. Taking into consideration of the facts and submissions made by the learned counsels and also the period of incarceration this court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Sessions Judge, Mahalir Neethimandram, Theni District and on further conditions that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioners shall report before the respondent police daily at 10.30 A.M. for a period of two weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not commit any offences of similar nature.

[e] the petitioners shall not abscond either during investigation or trial.

[f] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

09/03/2023

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09/03/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV



TO

1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM, THENI DISTRICT.

2 THE INSPECTOR OF POLICE
DEVADANAPATTI POLICE STATION, THENI DISTRICT.

3 THE OFFICER INCHARGE
SUB JAIL, PERIYAKULAM.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.PRABHU K, Advocate (SR-3832[I] dated 09/03/2023)

ORDER

IN

CRL OP(MD) No.4483 of 2023

Date :09/03/2023

RS/MMS/SAR-(09.03.2023) 3P 6C